

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**IN RE:** ) **CASE NO: 16-42442-659**  
**PAUL M WOJCIECHOWSKI** ) **Chapter 13**  
**MARY E WOJCIECHOWSKI** )  
) **Trustee's Objection to Confirmation**  
) **Original Confirmation Hearing set for:**  
**Debtors** ) **May 26, 2016 11:00 am**

## TRUSTEE'S OBJECTION TO CONFIRMATION OF 2ND AMENDED PLAN

**COMES NOW** John V. LaBarge, Jr., Standing Chapter 13 Trustee, and for his objection to confirmation states as follows:

1. The set monthly payments to be made by the Trustee exceed the plan payment.
2. The plan does not represent Debtors' best efforts to repay creditors. 11 U.S.C. section 1325(b). Line 43 of the B22C-2 form deducts \$250 anticipated attorney fees related to an adversary proceeding. The Trustee submits that it is not appropriate to deduct fees which have not yet been requested or allowed. The Trustee also questions the \$40 increase in optional, necessary telephone services in line 23 of the B22C-2 form. With these amounts removed, the B22C-2 form would require a guarantee of \$15,760 to general unsecured creditors. The Trustee would not oppose re-calculation of the best efforts guarantee at some point in the future if the Court does award additional fees, as currently provided in paragraph 10(d) of the plan, but submits that the \$15,760 guarantee should be included in the confirmation order.

**WHEREFORE** the Trustee prays the Court enter its order denying confirmation of the proposed plan.

Dated: September 29, 2016

OBJCONFAF--DSD

/s/ Diana S. Daugherty  
Diana S. Daugherty MO36347  
Attorney for Trustee  
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The undersigned hereby certifies that he served the above notice on this day of September 29, 2016, either through the Court's ECF system or by ordinary mail, postage pre-paid, addressed to:

/s/ Diana S. Daugherty

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AMENDED PLAN**

09/29/2016

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